

Service Date: August 13, 1993

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER of the Complaint of)	
ECONO-CALL OF MONTANA,)	UTILITY DIVISION
)	
Complainant,)	
)	
-vs-)	DOCKET NO. 91.4.14
)	
NORTHWESTERN TELEPHONE SYSTEMS,)	
INC., dba. PTI Communications,)	
)	ORDER NO. 5646a
Defendant.)	

FINAL ORDER

PROCEDURAL BACKGROUND

1. On March 27, 1991, Econo-Call of Montana (ECMT or Econo-Call) filed a complaint with the Montana Public Service Commission against Northwestern Telephone Systems, Inc. dba PTI Communications (PTI) requesting an Order requiring PTI to provide Feature Group A (FGA) and Feature Group B (FGB) access services from U.S. West Communications (USWC) at PTI's point of presence (POP) in Kalispell, Montana.

2. On April 3, 1991, ECMT filed a complaint with the Commission against PTI regarding the level of PTI's switched access charges.

3. Formal notice of ECMT's complaints was issued to PTI by the Commission on April 9, 1991.

4. On April 30, 1991, PTI filed an Answer to the ECMT complaints.

5. On July 9, 1991, PTI filed a counter-claim against ECMT for recovery of unpaid and delinquent access charges. ECMT replied that it was withholding access charge payments on the grounds that it believed PTI was not accurately measuring access minutes. PTI's counter-claim was consolidated into this Docket by Commission action.

6. The formal hearing on all these matters was held on March 16, 1992. ECMT chose not to present any evidence at the hearing concerning the complaint it filed on April 3, 1991 regarding the level of PTI's switched access charges.

7. By Notice of Commission Action dated May 6, 1992, the Commission directed that there be further investigation of the issues surrounding PTI's counter-claim filed on July 9, 1991.

8. On September 11, 1992, the Commission issued Order No. 5646 which denied the provisioning complaint filed by ECMT on March 27, 1991.

9. On or about August, 1992, PTI entered negotiations with prospective purchasers of ECMT for a debt restructuring that would involve access charge payments for the period at issue in PTI's July 9, 1991, counter-claim.

10. In December, 1992, PTI and the new owners of ECMT executed an agreement for ECMT payment of past due access charges.

FINDINGS OF FACT AND COMMISSION DECISION

11. On June 7, 1993, PTI submitted a Withdrawal of its counter-claim against ECMT, and requested that Docket 91.4.14 be closed.

12. At a duly noticed work session on July 8, 1993, the Commission APPROVED PTI's request to withdraw its counter-claim against ECMT, and closed Docket 91.4.14.

CONCLUSIONS OF LAW

1. PTI offers regulated telecommunications services in the state of Montana and is a public utility within the meaning of Section 69-3-101, MCA.

2. The Montana Public Service Commission has the authority to hear and decide the complaints filed by ECMT and PTI. Section 69-3-321, et seq., MCA.

3. The Commission has provided adequate public notice of all proceedings herein and an opportunity to be heard to all interested parties in this Docket. Section 69-3-325, MCA, and the Montana Administrative Procedure Act, Title 2, Chapter 4, MCA.

ORDER

IT IS HEREBY ORDERED:

1. PTI's request to withdraw its counter-claim filed on July 9, 1991, against ECMT is hereby APPROVED.

2. This Order constitutes a Final Order, and closes Docket 91.4.14 in its entirety.

Done and Dated this 8th day of July, 1993, by a 5 - 0 vote.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCAFFREE, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.